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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,257	05/02/2001	Naohiro Isshiki	B422-148	6909

26272 7590 11/12/2003
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NEW YORK, NY 10017

EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,257

Applicant(s)

ISSHIKI, NAOHIRO

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoyagi et al. (U.S. Patent Application 2001/0012112).

Regarding to claim 1:

Aoyagi discloses a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising a decision unit for deciding which of said data processing apparatus is to effect a charge process (page 2, section 0019-0027); and a control unit for controlling one of said data processing apparatuses decided by said decision unit to effect the charge process for both of said data processing apparatuses (page 4, section 0047-0050).

Regarding to claim 5:

Aoyagi discloses a data processing apparatus comprising a processing portion for effecting a predetermined process with respect to another data processing apparatus (page 2, section 0019-0020); and an information portion for informing said another data processing apparatus of the information whether the data processing apparatus effect a charge process or not so that said another data processing apparatus decide which of said data processing apparatuses is to effect the charge process (page 2, section 0019-0020), and one of said data processing apparatuses effect the charge process for both of said data processing apparatuses (page 2, section 0019-0027).

Regarding to claim 6:

Aoyagi discloses a method for controlling a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus comprising deciding which of said data processing apparatus is to effect a charge process and controlling one of said data processing apparatus decided by said decision unit to effect the charge process in both said data processing apparatus (page 2, section 0019-0027).

Regarding to claim 7:

Aoyagi discloses a method for controlling a data processing apparatus comprising effecting a -predetermined process with respect to another data processing apparatus; informing said another data processing apparatus of the

information whether the data processing apparatus effects a charge process or not (page 2, section 0019-0027), so that said data processing apparatus decide which of said data processing apparatuses is to effect a charge process. and one of said data processing apparatus effect the charge process for both of said data processing apparatuses (page 2, section 0019-0027).

Regarding to claims 2:

Aoyagi also disclose a data processing apparatus decision unit affects the decision on a basis of information received from another data processing apparatus (page 2, section 0019-0027).

Regarding to claims 3:

Aoyagi also disclose the predetermined process is a process for printing an image read by said another data processing apparatus in the data processing apparatus (page 2, section 0019-0027); and the charge process is based on at least one part of information regarding the number of images read by said another data processing apparatus (page 4, unit 0047-0050), monochromatic reading, color reading, the number of sheets to be printed by said another data processing apparatus, monochromatic printing and color printing (page 4, unit 0047-0050).

Regarding to claims 4:

Aoyagi also disclose the predetermined process is a process for printing an image read by the data processing apparatus in said another data processing apparatus; and the charge process is based on at least one part of information regarding the number of images read by the data processing apparatus (page 4, unit 0047-0050), monochromatic reading, color reading, the number of sheets to be printed by said another data processing apparatus, monochromatic printing and color printing (page 4, unit 0047-0050).

Response to Arguments

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 10/20/2003 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show the a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising a decision unit for deciding which of said data processing apparatus is to effect a charge process; and a control unit for controlling one of said data processing apparatuses decided by said decision unit to effect the charge process for both of said data processing apparatuses. Aoyagi discloses a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising

a decision unit for deciding which of said data processing apparatus is to effect a charge process (page 2, section 0019-0027); and a control unit for controlling one of said data processing apparatuses decided by said decision unit to effect the charge process for both of said data processing apparatuses (page 4, section 0047-0050).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 FAX Telephone Numbers: 703-872-9306

TC2800 Customer Service FAX - (703) 872-9317

TL

October 29, 2003



John Barlow
Supervisory Patent Examiner
Technology Center 2800